

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
1300' SW of intersect. c/l of * ZONING COMMISSIONER
Featherbed La. & Reisterstown *
"The Mills at Owings Mills" * OF BALTIMORE COUNTY
4th Election District *
3rd Councilmanic District *
Legal Owner: Uri Ben-or * Case No. 94-240-A
Contract Purchaser: *
Pulte Home Corporation *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variances for the proposed residential development known as "The Mills at Owings Mills". The Petition is filed by the property owner, Uri Ben-or and the proposed builder of this subdivision, Pulte Home Corporation. Variance relief is requested, as follows:

1. Window to tract boundary setbacks of 30 ft. in lieu of the 35 ft. as required by the Baltimore County Zoning Regulations (B.C.Z.R.) in Section 1801.2.C.2.a, and the previous Comprehensive Manual of Development Policies (CMDF) Section V.B.5.a of 22.5 ft. in lieu of 26.5 ft. for lots 2 through 8, 11 through 14, 22 through 24 and 29 through 31;
2. A side building elevation to side building elevation setback of 20 ft., in lieu of 40 ft., as required by the B.C.Z.R. in Section 1801.2.C.2.b and the CMDF Section V.B.6.c between lots 1 through 18, 19 through 21, 22, 23, 25, 26, 27 and 28;
3. A building setback of 20 ft., in lieu of 30 ft., for buildings 30 ft. in height, as required by B.C.Z.R., Section 1801.2.C.1 and the previous CMDF Section V.B.3.b between lots 1 through 31;
4. Window to lot line setback of 5 ft., in lieu of 15 ft., as required by B.C.Z.R. Section 1801.2.C.2.b and the CMDF Section V.B.6.b for lots 1 through 31;

ORDER RECEIVED FOR FILING
Date 4/26/94
By Mr. Dean

5. Side window to tract boundary setback of 15 ft. in lieu of the 35 ft. as required by the B.C.Z.R., Section 1801.2.C.2.a and the previous CMDF Section V.B.5.a for lots 21 and 22.

Appearing at the public hearing held for this case was James Dean and James Grande on behalf of Pulte Homes. Also appearing was Rick Chadsey, a professional engineer from G.W. Stephens and Associates, Inc. Mr. Chadsey prepared the site plan which shows the subject property and the relief requested marked as Petitioner's Exhibit No. 1. The Petitioner was represented by Newton A. Williams, Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject site is 8.589 acres in area and is zoned D.R.3.5. Presently, the site is undeveloped and is approximately 64% wooded. The property is located in Owings Mills, not far from Reisterstown Road. Vehicular access to the property is by way of Dolefield Boulevard, near that roadway's intersection with Featherbed Lane.

The Petitioner proposes 31 single family dwellings on the subject site. These houses are to be constructed by Pulte Home Corporation, a well known builder in this area. The specific Pulte models which are proposed include the Chaucer, the Buckingham and the Viceroy. The floor plans and architectural elevations for these models were submitted at the hearing. Vehicular access to the interior of the property will be provided by a cul-de-sac to be known as Mill Pond Court and a small court known as Grist Stone Way. Approval of the development plan was granted by the County Review Group on November 21, 1991.

Mr. Dean testified and described the subject property as outlined above. He also discussed the surrounding locale and other uses nearby. There are several other new residential communities in the vicinity. Moreover, schools and open space recreation areas are provided nearby.

-2-

ORDER RECEIVED FOR FILING
Date 4/26/94
By Mr. Dean

Mr. Chadsey discussed in detail each of the five variances requested. He discussed the site plan and how the variances would be applied so as to produce a uniform and consistent development. He noted that, in some cases, the setbacks provided would actually be greater than what is requested in the Petition. That is, the setbacks requested present a worse case scenario from the standpoint of deviation with the strict requirements.

Mr. Chadsey noted that all of the variances must be granted in order for the project to be practical and buildable. That is, these are an interrelated series of variances which are requested so that a compatible and well built community can be produced. The variances all relate to internal lot lines as opposed to existing or neighboring properties and structures.

During the course of the hearing, I questioned Mr. Chadsey extensively regarding the blanket variance approach. It is of particular note that the Zoning Plans Advisory Committee (ZAC) comment from the Office of Planning and Zoning (OPZ) regarding this project was neutral. This was unlike other comments received from that office wherein blanket variances were requested. In other cases, OPZ recommended denial of the blanket variance approach. According to their position in these other cases, the development plan should be resubmitted through the development process if the Developer wishes to deviate from the old CMDF requirements.

Mr. Chadsey answered my questions thoughtfully and thoroughly. He compared the proposed subdivision with other subdivisions nearby. In this opinion, the subject subdivision will be entirely appropriate for this vicinity. It will be consistent with nearby subdivisions which were developed in accordance with the new development regulations and current ver-

-3-

ORDER RECEIVED FOR FILING
Date 4/26/94
By Mr. Dean

sion of the C.M.D.P. Mr. Chadsey's testimony, in this respect, was uncontradicted and credible.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the

-4-

ORDER RECEIVED FOR FILING
Date 4/26/94
By Mr. Dean

variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of April, 1994 that a variance from Section 1801.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and the previous Comprehensive Manual of Development Policies (CMDF) Section V.B.5.a for window to tract boundary setbacks of 30 ft., in lieu of the 35 ft., and 22.5 ft. in lieu of 26.5 ft. for lots 2 through 8, 11 through 14, 22 through 24 and 29 through 31, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a side building elevation to side building elevation setback of 20 ft., in lieu of 40 ft., as required by the B.C.Z.R. in Section 1801.2.C.2.b and the CMDF Section V.B.6.c between lots 1 through 18, 19 through 21, 22, 23, 25, 26, 27 and 28, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a building setback of 20 ft., in lieu of 30 ft., for buildings 30 ft. in height, as required by B.C.Z.R., Section 1801.2.C.1 and the previous CMDF Section V.B.3.b between lots 1 through 31, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a window to lot line setback of 5 ft., in lieu of 15 ft., as required by B.C.Z.R. Section 1801.2.C.2.b and the CMDF Section V.B.6.b for lots 1 through 31, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a side window to tract boundary setback of 15 ft., in lieu of 35 ft., as required by the B.C.Z.R., Section 1801.2.C.2.a and the previous CMDF Section V.B.5.a for lots 21 and 22, be

ORDER RECEIVED FOR FILING
Date 4/26/94
By Mr. Dean

-5-

and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return and be responsible for returning, said property to its original condition.

LES/mnn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 4/26/94
By Mr. Dean

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 25, 1994

Newton A. Williams, Esquire
Nolan, Williams and Plumbhoff
Court Towers
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-240-A
Petition for Variance
Legal Owner: Uri Ben-or
Contract Purchaser: Pulte Home Corporation

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 687-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mnn
att.

cc: Messrs. J. Grande and J. Dean



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at Dolfield Boulevard & Millpond Court
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate Paragraph or practical difficulty)

See attached.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:
Pulte Home Corporation
(Type or Print Name)
Signature James W. Grande
Address 1501 South Edgewood Street, Suite 1
City Baltimore State Maryland Zip 21227
Attorney for Petitioner:
Signature Newton Williams
Address 210 West Pennsylvania Avenue 822-7800
City Towson State Maryland Zip 21204

Legal Owner:
Uri Ben-or
(Type or Print Name)
Signature Uri Ben-or
Address P.O. Box 68
City Reisterstown State Maryland Zip 21136
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
the following date: 2/2/95 Next Two Months
REVIEWED BY: JP DATE 12-10-93

243

Variances requested:

- Window to Tract Boundary Setback of 30 feet in lieu of the 35 feet as required by the Baltimore County Zoning Regulations (BCZR) 1801.2.C.a and the previous Comprehensive Manual of Resign Policies CMDP Section V.B.5.a & BCZR 22.5 feet in lieu of 26.5 feet for lots 2-8, 11-14, 22-24 & 29-31
- Side Building Face Setback of 20 feet in lieu of the 40 foot Window to Window Setback as required by the BCZR Section 1801.2.C.2.b and the previous CMDP Section V.B.6.c between lots 1-18, 19-21, 22, 23, 25, 26, 27, 28, 24 & 28, & 29-31
- Height to Height Setback of 20 feet for facing elevation heights of 30 feet as required by BCZR Section 1801.2.C.1 and the previous CMDP Section V.B.3.b between lots 1-18, 19-21, 22 & 23, 25 & 26, 27 & 28, 24 & 28, & 29-31
- Window to Lot Line Setback of 5 feet 15 foot as required by the BCZR Section 1801.2.C.2.b and the CMDP Section V.B.6.b for lots 1-31.
- Side Window to Tract Boundary Setback of 15 feet in lieu of the 35 feet as required by the BCZR Section 1801.2.C.2.a & the previous CMDP Section V.B.5.a for lots 21 & 22.

For the following reasons:

This is an older project which was approved under the previous Zoning Regulations and CMDP. The builder and the Baltimore County building community have been gearing their products toward the current Zoning Regulations and the new CMDP. These variances will only bring the project in to compliance with the current standards. The granting of these variances would allow the builder to construct a consistent product throughout the subdivision and allow for more flexibility in the options available to the potential purchaser. These features will also make for a more aesthetically pleasing architectural design for the benefit of the neighborhood and the community. The granting of these variances will be in harmony with the BCZR and the CMDP. Otherwise, it would be an unreasonable hardship for the builder to not be able to market the product at a fair market value, while other newer subdivisions will be allowed to proceed under the latest Regulations.

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
6140 KENNELWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

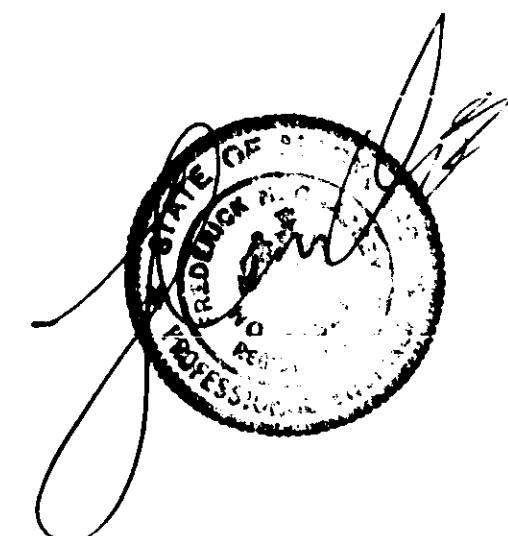
Description to accompany Zoning Petition
Mills at Owings Mills

November 22, 1193
page -1-

Beginning at the same point said point being South 85 degrees 30 minutes 00 seconds West 1300 feet from the point formed by the intersection of the centerline of Featherbed Lane with the centerline of Reisterstown Road, running thence leaving said point of beginning, the following 9 courses:

- 1) South 45 degrees 56 minutes 16 seconds West 288.62 feet,
 - 2) South 45 degrees 39 minutes 00 seconds West 211.92 feet,
 - 3) North 21 degrees 56 minutes 16 seconds West 312.82 feet,
 - 4) South 82 degrees 08 minutes 55 seconds West 125.71 feet,
 - 5) North 23 degrees 15 minutes 10 seconds West 466.83 feet,
 - 6) North 49 degrees 58 minutes 18 seconds East 394.29 feet,
 - 7) South 44 degrees 09 minutes 01 seconds East 565.44 feet,
 - 8) South 45 degrees 44 minutes 29 seconds West 75.65 feet,
 - 9) South 44 degrees 00 minutes 01 seconds East 205.93 feet, to the point of beginning.
- Containing 8.934 acres more or less.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY
AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

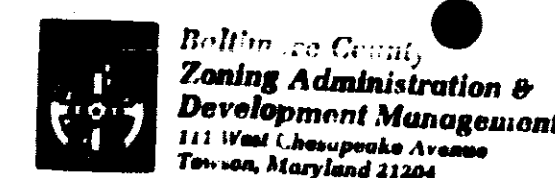
District: 4th Date of Posting: 12/10/93
Posted for: Variances
Petitioner: Mrs. Ben-Or
Location of property: The Mills at Owings Mills
Location of Sign: Featherbed Lane at Reisterstown Road
Remarks: properly being recorded
Posted by: [Signature] Date of return: 12/14/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 30, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 30, 1993

THE JEFFERSONIAN
A. HENRIKSON
PUBLISHER



receipt
94-240-A

Date: 12/10/93

Ban-Or - Delfield Blvd. & Millpond Ct.

080 Variance to C Maximum (Setback) - \$650.00
080 Sign (2) - \$35.00
\$720.00

Please Make Checks Payable To: Baltimore County
84 C00P:18AM12-13 93

\$720.00

111 West Chesapeake Avenue
Towson, MD 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 243
Petitioner: Mrs. Ben-Or
Location: Delfield Boulevard & Millpond Court
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Pulte Home Corporation
ADDRESS: 1501 South Edgewood St., Suite K, Baltimore, MD 21227
PHONE NUMBER: 644-5603

AL:ggg

(Revised 04/09/93)

Item Number: 243
Planner: ALB
Date Filed: 12-10-93

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acreage
- Plats (need 12, only 1 submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's ~~signature~~ printed name and/or address and/or telephone number and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- Owner's ~~signature~~ printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TEXTBOX)
11/17/93

TO: FOUNTAIN PUBLISHING COMPANY
December 30, 1993 Issue - Jeffersonian

Please forward billing to:

Pulte Home Corporation
1501 S. Edgewood Street, Suite K
Baltimore, Maryland 21227
410-644-5603

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-240-A (Item 243)
"The Mills at Owings Mills"
1300' SW of intersection of Featherbed Lane and Reisterstown Road
4th Election District - 3rd Councilmanic
Legal Owner(s): Uti Ben-Or
Contract Purchaser(s): Pulte Home Corporation
HEARING: TUESDAY, JANUARY 18, 1994 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to: permit window to tract boundary setbacks of 30 feet in lieu of the 35 feet required and 22.5 feet in lieu of the 26.5 feet for lots 2-8, 11-14, 22-24, and 29-31; to permit side building face setback of 20 feet in lieu of the 40 foot window to window setback between lots 1-18, 19-21, 22, 23, 25 and 26, 27 and 28, 24 and 28, and 29-31; to permit height to height setback of 20 feet in lieu of 30 feet for facing elevation heights of 30 feet as required between lots 1-18, 19-21, 22 and 23, 25 and 26, 27 and 28, 24 and 28, and 29-31; to permit window to lot line setback of 5 feet in lieu of 15 feet as required for lots 1-31; and to permit side window to tract boundary setback of 15 feet in lieu of the 35 feet as required for lots 21 and 22.

LAURENCE E. SCHLEIF
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 27, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-240-A (Item 243)
"The Mills at Owings Mills"
1300' SW of intersection of Featherbed Lane and Reisterstown Road
4th Election District - 3rd Councilmanic
Legal Owner(s): Uti Ben-Or
Contract Purchaser(s): Pulte Home Corporation
HEARING: TUESDAY, JANUARY 18, 1994 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to permit window to tract boundary setbacks of 30 feet in lieu of the 35 feet required and 22.5 feet in lieu of the 26.5 feet for lots 2-8, 11-14, 22-24, and 29-31; to permit side building face setback of 20 feet in lieu of the 40 foot window to window setback between lots 1-18, 19-21, 22, 23, 25 and 26, 27 and 28, 24 and 28, and 29-31; to permit height to height setback of 20 feet in lieu of 30 feet for facing elevation heights of 30 feet as required between lots 1-18, 19-21, 22 and 23, 25 and 26, 27 and 28, 24 and 28, and 29-31; to permit window to lot line setback of 5 feet in lieu of 15 feet as required for lots 1-31; and to permit side window to tract boundary setback of 15 feet in lieu of the 35 feet as required for lots 21 and 22.

ARNOLD JABLON
Director

cc: Uti Ben-Or
Pulte Home Corporation
Boston Williams, Eng.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3393

January 7, 1994

Re: Case No. 94-243-A, Item No. 243
Petitioners: Uri Ben-Or, et al
Petition for Variance

Dear Mr. Williams:

The Office of Planning and Zoning (OPZ) has reviewed the plans submitted for the proposed development. The attached comments from the OPZ staff and the Zoning Advisory Committee (ZAC) indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that reflect the requested information on your petition. If additional comments are received from the members of ZAC, I will forward them to you. The ZAC meeting was held on December 17, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management requests that you, as a petitioner, hereby request zoning attorneys who are familiar with the zoning regulations and petition filing requirements to file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Printed with Soy-based Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: December 27, 1993

FROM: Robert W. Roeding, Senior Engineer
Zoning Administration and Development Management
DATE: December 27, 1993

SUBJECT: Zoning Advisory Committee Meeting
Date: December 27, 1993
Item No. 243

The Development Engineering Section has reviewed the proposed zoning item. If the variance is granted, we recommend installing buffer plantings not required by the landscape manual in order to mitigate the increased density. These plantings would be determined by the landscape architect at the final landscape plan stage.

PK/JL:lw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: January 5, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee
94-243-A

The Office of Planning and Zoning has no comments on the following petition(s):
Item No. 243, 248, 250, 251, 253, 255, 256, 257, and 259.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey N. Long
Division Chief: Pat Keller

PK/JL:lw

ZAC.243/PZONE/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21206-5500
(410) 887-1500

RE: Property Owner: URI BEN-OR
LOCATION: 1300' SW OF INTERSECTION CENTERLINE FEATHERBED LA. AND REISTERSTOWN RD.
Item No.: 243 (JJS) Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

RECEIVED
DEC 28 1993
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

94-240-A
115

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: January 5, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comment on the following petition(s):
Item No. 243, 248, 250, 251, 253, 255, 256, 257, and 259.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey N. Long
Division Chief: Pat Keller

PK/JL:lw

ZAC.243/PZONE/ZAC1

94-240-A

Steven - 12/10/93
Please do
not sit
243 & 244
on same day
Thanks,
Newton

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET
Case 94-240-A

1/18/94

NAME	ADDRESS
Newton Williams	700 Court Tower, 21204
Rick Chadsey	658 Kenilworth DR 21204
JIM GRANDE	1501 S. EDGEWOOD 21227
JIM DEAN	1501 S. EDGEWOOD 21227

Printed with Soy-based Ink on Recycled Paper

Single Family Detached

Building Type: Single Family Detached, Semi-Detached and Duplex Dwellings

Location: DR 3.5, 5.5, 10.5, 16

Minimum setback requirements:

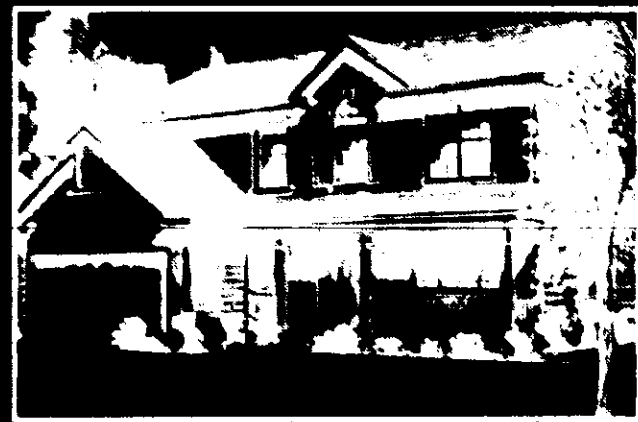
- From a front building face to a public street right-of-way or property line -- 25 feet
- Between side building faces -- 16 feet for buildings up to 20 feet in height, and 20 feet for buildings with heights greater than 20 feet
- From a rear building face to a rear property line or public street right-of-way -- 30 feet
- From a side building face to a public street right-of-way and/or tract boundary -- 15 feet
- From side or front building face to the edge of paving of a private road -- 25 feet
- Setbacks for buildings located adjacent to arterial roadways shall be increased by 20 feet.

Minimum setbacks for single family detached, semi-detached and duplex units in D.R. 3.5, 5.5, 10.5 and 16 zones

Perspective view, minimum setbacks in D.R. 3.5, 5.5, 10.5 and 16

RESIDENTIAL STANDARDS 5

Rel Nas



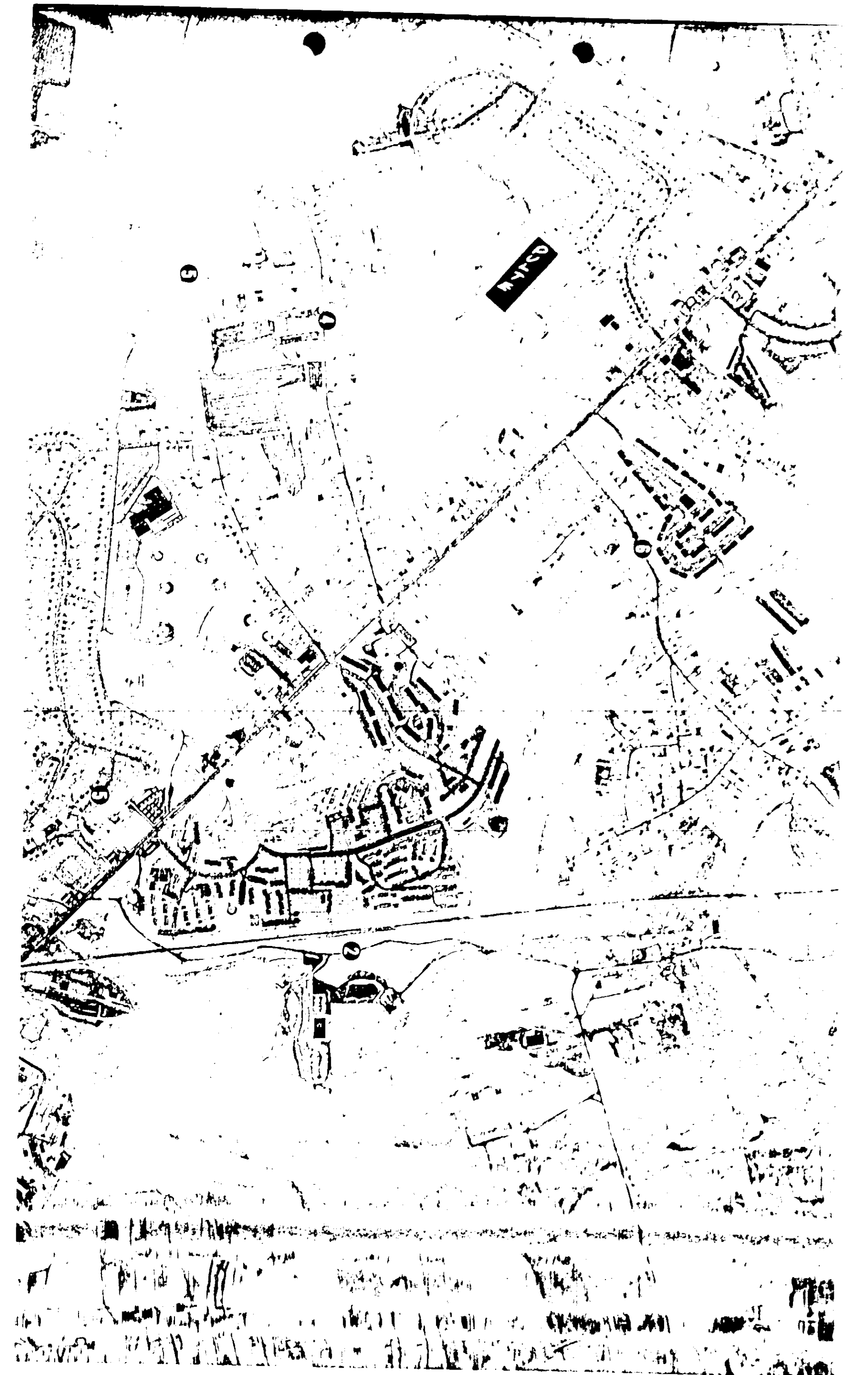
PULTE
Master Builder



PULTE
Master Builder



PULTE
Master Builders



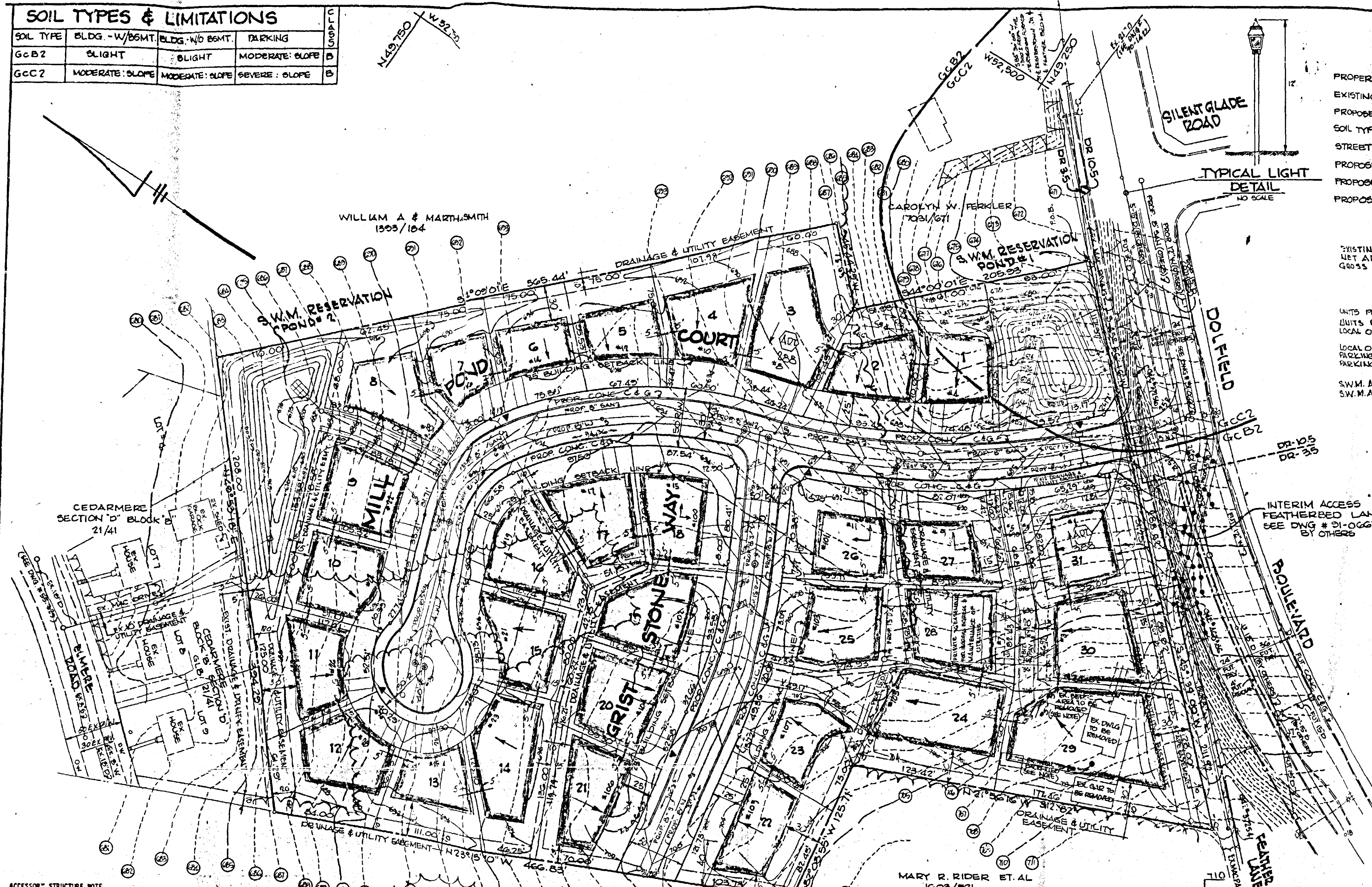
0248

RETURN TO
SENDER
INSUFFICIENT
ADDRESS
RETURN TO SENDER

Printed with Soybean Ink



SOIL TYPES & LIMITATIONS			
SOIL TYPE	BLDG. - W/BSMT.	BLDG. - W/O BSMT.	PARKING
GcB2	SLIGHT	SLIGHT	MODERATE SLOPE
GcC2	MODERATE SLOPE	MODERATE SLOPE	SEVERE SLOPE

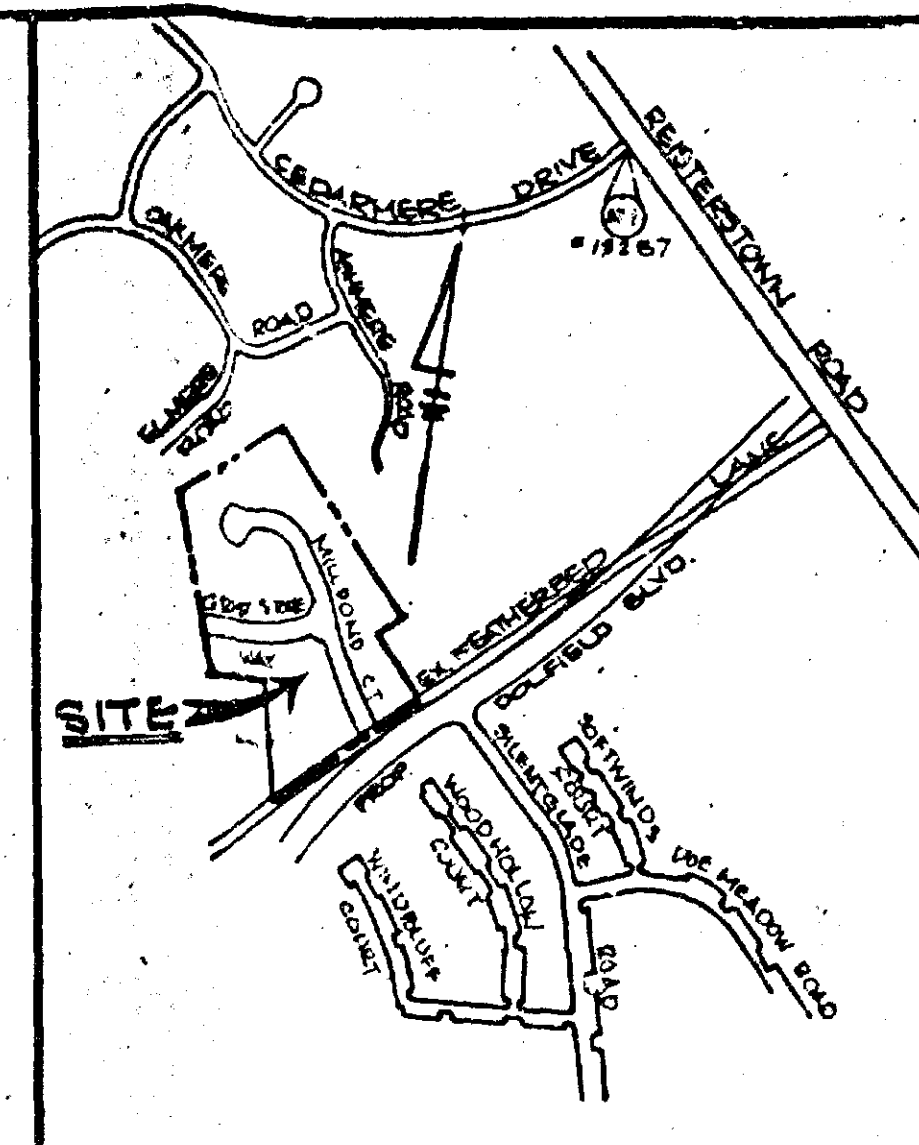


LEGEND

PROPERTY OUTLINE.
EXISTING CONTOURS.
PROPOSED CONTOURS.
SOIL TYPES & LIMITATIONS.
STREET LIGHTS.
PROPOSED STORM DRAINS.
PROPOSED SANITARY.
PROPOSED WATER.

TABULATION

EXISTING ZONING: D-2.5
NET AREA: 6.562 AC.
GROSS AREA: 0.74 AC.
(0.245 AC. DOLFIELD RD. R/W 10X500 SW)
(0.106 AC. D-2.5 117' D-2.5)
(0.273 AC. 3.5 = 3050 D-2.5)
(0.106 AC. 10.5 = 117' D-2.5)
UNITS PERMITTED: 31 SINGLE FAMILY UNITS
LOCAL OPEN SPACE REQUIRED: 0.46 AC.
LOCAL OPEN SPACE MAINTAINED: 11.13 AC.
FACINGS REQUIRED: 1.57 UNIT = 51K = 51 AC.
FACINGS PROVIDED: 0.2 AC. (OVERLAP PARKING ON STREETS/30 WIDE PARKING)
SWM AREA: POND #1 0.292 AC.
SWM AREA: POND #2 0.321 AC.



VICINITY MAP

1:500'
BENCHMARK #13247 ELEV. 651.63
12.12. SPIKE IN MACADAM ON S.W. SIDE OF REGISTERED RD.
ON S.E. SIDE OF CEDARMERE RD.

94-240-A

NOTES:

- 1) SITE IS 64% WOODED.
- 2) CR3 APPROVAL DATE: NOV. 21, 1991
- 3) UNITS ARE FOR SALE OR RENT.
- 4) PRIVATE SPACE FACTOR: WHEN OPEN LAND IS SOLD ALSO BELONGS TO THE DWELLING UNIT. A MINIMUM AREA (CONTIGUOUS) OF 500 SF. IS REQUIRED.
- 5) DRIVEWAYS TO BE PAVED IN ACCORDANCE WITH ZONING POLICY D-11 (MACADAM SURFACE).
- 6) EXISTING SEPTIC SYSTEMS TO BE PUMPED AND DISCHARGED OR REMOVED.
- 7) WELL CISTS WILL BE BACKFILLED BY A LICENSED WELL DRILLER.
- 8) DRAIN COLLECTION SHOW REMOVAL AND GRASS MAINTENANCE ARE TO BE PROVIDED IN THE RIGHT OF WAY.

3) EXISTING DWELLING GARAGE AND DRIVEWAY TO BE DATED REMOVED, PRIOR TO ISSUANCE OF BUILDING PERMIT.

NOTE:

THE PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SINCE 1974. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.

VARIANCE NUMBER							
LOT NUMBER		1	2	3	4	5	6
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							

PETITIONER'S EXHIBIT 1

OFFICE OF PLANNING AND ZONING
APPROVED BY:

DIRECTOR OF PLANNING DATE

DIRECTOR OF ZADM DATE

VARIANCE PLAT THE MILLS AT OWINGS MILLS

BALTIMORE COUNTY MARYLAND 4TH ELECTION DISTRICT
SCALE: 1"=50'
DATE: NOV. 8, 1993

PJ. 7472 & PJ. 6711

ACCESSORY STRUCTURE NOTE

1. Easements shown herein are for the location of all principal buildings, only. Accessory structures, fences and projections into yards may be constructed outside the easements, but must comply with Sections 400 and 401 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits.)
2. Accessory structures, fences and projections into yard cannot be located in flood plain areas or hydric soils.

DEVELOPER OF ZADM NOTE

This development plan is approved by the DIRECTOR OF ZADM, based on his interpretation of the Zoning Regulations, that it complies with present density, density and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will be occupancy.

CDS PLAN NOTE

This development plan complies with the CIP plan and all CIP Comments.

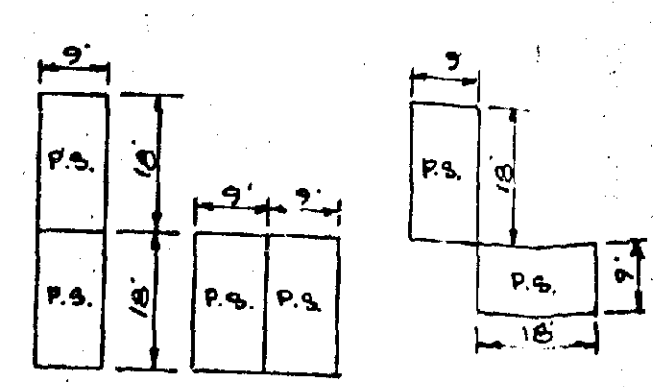
LANDSCAPE PLAN NOTE

A landscape plan must be approved by the Office of Planning prior to the issuance of a building permit.

CULM CUT NOTE (WHERE APPLICABLE)

THE EXACT LOCATION OF CULM CUTS FOR DRIVEWAYS OR PARKING (AND DISTANCES) IS TO BE DETERMINED BY OWNER, WITH DATA FOR NOTING MODELS BECOME AVAILABLE AT PRIOR TO INSTALLATION OF STREET CURBS.

NOTE: PARKING SPACES MAY BE IN A GARAGE



OFF-STREET PARKING ALTERNATES

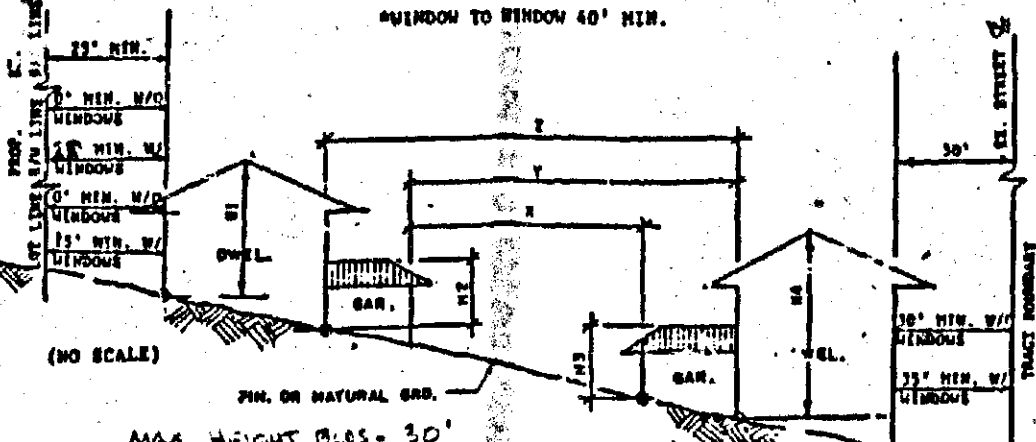
NO SCALE

1. Window to Tract Boundary Setback of 30 feet in line of the 35 feet as required by the Baltimore County Zoning Regulations (BCZR) 1901.2.C.4 and the previous Comprehensive Manual of Zoning Policies CMZP Section V.B.5.a & BCZR 22.3 feet in line of 26.5 feet for lots 2-4, 11-14, 22-24 & 29-31.
2. Side Building Face Setback of 20 feet in line of the 40 feet Window to Window Setback as required by the BCZR Section 1901.2.C.2.b and the previous CMZP Section V.B.5.b between lots 1-18, 19-21, 22 & 23, 24 & 25, 27 & 28, 24 & 25, & 29-31.
3. Window to Lot Line Setback of 5 feet in line of the 15 feet as required by the BCZR Section 1901.2.C.2.b and the CMZP Section V.B.5.b for lots 1-31.
4. Height: 7' to Height Setback of 20 feet for Height Elevation heights in line of the 30 feet as required by BCZR Section 1901.2.C.1 and the previous CMZP Section V.B.5.b between lots 1-18, 19-21, 22 & 23, 24 & 25, 27 & 28, 24 & 25, & 29 through 31.
5. Side Window to Tract Boundary Setback of 15 feet in line of the 35 feet as required by the BCZR Section 1901.2.C.2.a & the previous CMZP Section V.B.5.a for lots 21 & 22.

MARY R. RIDER ET AL. 1603/514

D-S DISTANCES BETWEEN BUILDINGS * (FACING ELEVATIONS)

- a. All building heights will be determined by the application of policy 904-6 or 4-12.
- b. The lesser height portions of facing elevations (10' x 81) must meet the minimum required separation for distance (1), and the greater height portions (10' x 81) must meet the minimum required separation for distance (1).
- c. If two d - height elevations face each other as shown in distance (1), the greater height (81') will determine the required separation.

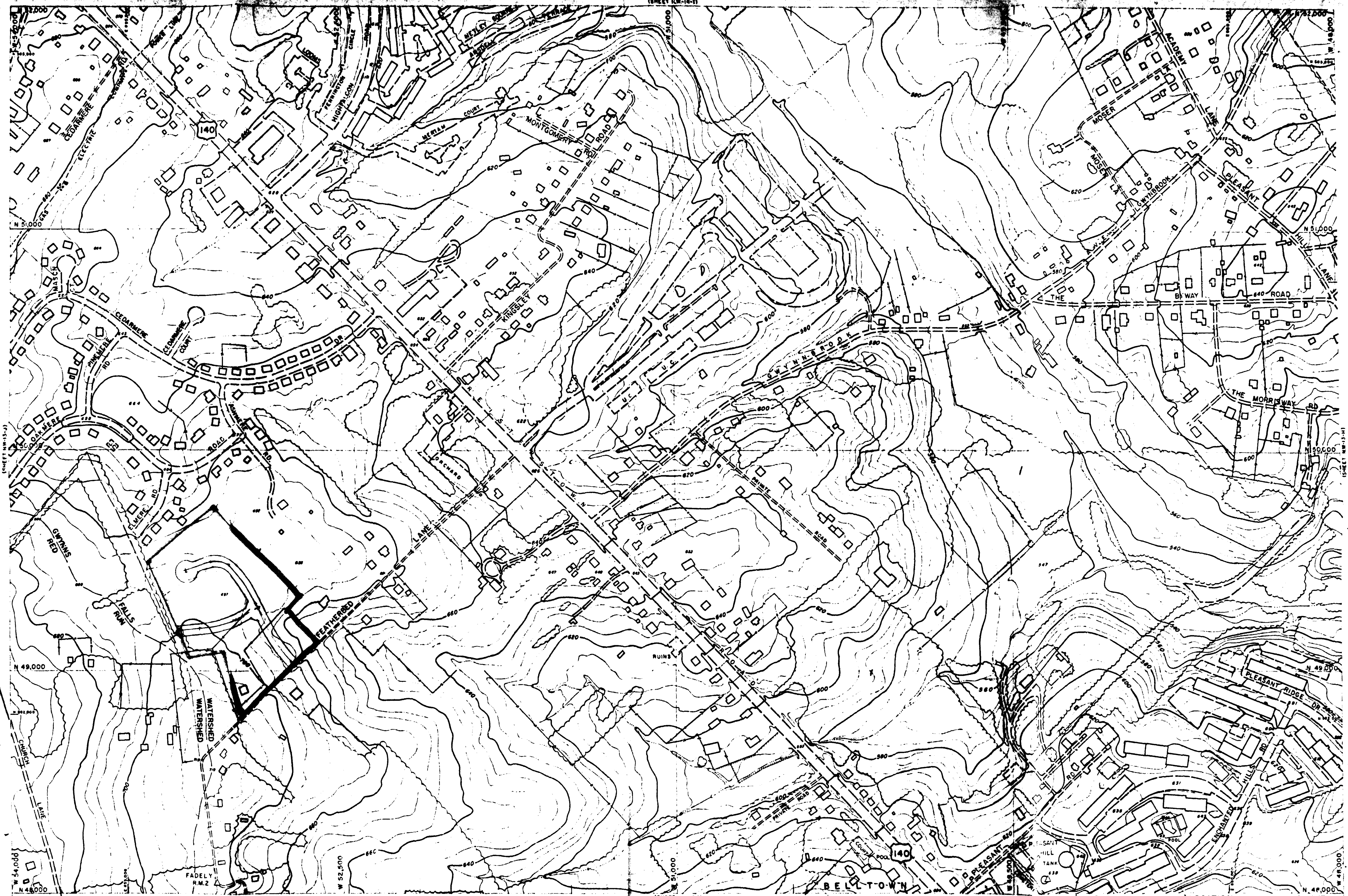


1. FOR HEIGHT LESS THAN 20', DISTANCE = 10' MIN.
2. FOR HEIGHT OF 20'-25', DISTANCE = 25' MIN.
3. FOR HEIGHT OF 25'-30', DISTANCE = 30' MIN.
4. NOTES: TOWNHOMES IN TRANSITION
MAX. HEIGHT = 30' MAX. WIDTH = 130' MAX. LENGTH = 130'
DISTANCE BETWEEN BLDGS. = 11' MIN. OF THE HIGHER BLDG.
AND HEIGHT = 30'
AUG. DISTANCE BETWEEN BLDGS. = 39' MIN.
EMPLOYED TO BE SHOWN ON DEVELOPMENT PLANS.
5. MIN. DISTANCE FROM BLDGS. TO FLOOD PLAIN = 20'.

* EXCEPT AS SHOWN ON THE ATTACHED VARIANCE CHART

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 925-8120

**OWNER/DEVELOPER
GAMMA CONSTRUCTION, INC.**
12500 COVER ROAD
REISTERSTOWN, MD. 21136
PH. # 301-252-5006



1970
Topo

1953
Topo

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		DATE	SCALE	LOCATION	SHEET
Planimetric	BY	4-20-67	1" = 200'	BELLTOWN	N.W.
Topographic	MAPE INC. MAPS INC.	4-11-70			13-1
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION - PHILADELPHIA, PA.		1/1/83	DATE OF PHOTOGRAPHY APRIL 1983		

136

94-240-A